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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,986	11/29/2000	Mao Masuhiro	P/1878-165	1327

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Steven I. Weisburd
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New York, NY 10036-2714

EXAMINER

FOX, JAMAL A

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/725,986

Applicant(s)

MASUHIRO, MAO

Examiner

Jamal A Fox

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/725,986.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4 and 6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hida et al. in view of Okazaki et al.

Referring to claim 1, Hida et al. discloses a rerouting device with a first (Drawing 1, ref. sign 12) and a second IP-based PBX systems (Drawing 1, ref. sign 12) that are connected to a first (Drawing 1, ref. sign 121A) or a second telephone terminal (Drawing 1, ref. sign 121B), respectively, via telephone lines (Drawing 1, ref. sign 21), and further, that are connected to each other via an IP network (Drawing 1, ref. sign 3) wherein the first and second IP-based PBX systems establish a communication call between the first telephone terminal and the second telephone terminal via the ISDN when congestion occurs in the IP network (Page 3, col. 3, line 48, [0008]-col. 4, line 47), but does not explicitly teach of an ISDN rerouting device. However, Okazaki et al. discloses the use of an ISDN as rerouting device on (page 23, [0128], col. 43 lines 14-22).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the ISDN rerouting device of Okazaki et al. to the invention of Hida et al. in order to ensure that the speech path is detoured to a

public telephone network when an overload condition occurs as suggested by Hida et al.

Referring to claim 2, Hida et al. discloses a rerouting device according to claim 1 wherein the first and second IP-based PBX systems are provided with: an LC (line circuit) (Drawing 1, ref. sign 134 and respective portions of the spec.) for linking with the first or the second telephone terminal; a TDSW (time division switch) (Drawing 1, ref. sign 131 and respective portions of the spec.) for switching connection paths; an IP-TRK (trunk circuit) (Drawing 1, ref. sign 31 and respective portions of the spec.) for both interfacing with the IP network (Drawing 1, ref. sign 3 and respective portions of the spec.) and detecting the occurrence of congestion in the IP network; and ISDN I/F (Drawing 1, ref. sign 130 and respective portions of the spec.) for interfacing with the ISDN; and a CPU (Drawing 1, ref. sign 151 and respective portions of the spec.) for controlling switching of the TDSW (time division switch) when the IP-TRK (trunk circuit) detects the occurrence of congestion in the IP network.

Referring to claim 3, Hida et al. discloses a rerouting device according to claim 1, wherein the CPU establishes a communication call between the first telephone terminal and the second telephone terminal, but does not explicitly teach of the calls between the telephone terminals being based on information stored in a memory. However, Okazaki et al. discloses a memory that stores information of calls between the first and second telephones (Drawing 1, ref. sign 12, 22, 22a and Drawing 2, ref. sign 32 and respective portions of the spec.). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the memory of Okazaki et

al. to the invention of Hida et al. in order to secure a high speech quality and minimize delay between calls as suggested by Hida et al.

Referring to claim 4, Hida et al. discloses a rerouting device according to claim 2 wherein said CPU establishes a communication call between the first telephone terminal and the second telephone terminal, but does not explicitly teach of the calls between the telephone terminals being based on information stored in a memory. However, Okazaki et al. discloses a memory that stores information of calls between the first and second telephones (Drawing 1, ref. sign 12, 22, 22a and Drawing 2, ref. sign 32 and respective portions of the spec.). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the memory of Okazaki et al. to the invention of Hida et al. in order to secure a high speech quality and minimize delay between calls as suggested by Hida et al.

Referring to claim 5, Okazaki et al. discloses an ISDN rerouting device according to claim 3 wherein the memory stores: a mapping table (Drawing 5, ref. sign 121 and 121a and respective portions of the spec.) containing IP addresses and ISDN addresses; and a rerouting information table (Drawing 12, ref. sign 131 and respective portions of the spec.) containing: originating telephone numbers or calling party numbers, destination telephone numbers or called party numbers, IP addresses of destination IP-TRK, and ISDN addresses that correspond to IP addresses of destination IP-TRK.

Referring to claim 6, Okazaki et al. discloses an ISDN rerouting device according to claim 4 wherein the memory stores: a mapping table (Drawing 5, ref. sign 121 and

121a and respective portions of the spec.) containing IP addresses and ISDN addresses; and a rerouting information table (Drawing 12, ref. sign 131 and respective portions of the spec.) containing: originating telephone numbers or calling party numbers, destination telephone numbers or called party numbers, IP addresses of destination IP-TRK, and ISDN addresses that correspond to IP addresses of destination IP-TRK.

Referring to claim 7, Hida et al. discloses a rerouting method that is provided with: first (Drawing 1, ref. sign 12) and second IP-based PBX systems (Drawing 1, ref. sign 12) that are both connected to a first (Drawing 1, ref. sign 121A) or a second telephone terminal (Drawing 1, ref. sign 121B), respectively, via telephone lines (Drawing 1, ref. sign 21) and that are connected to each other via an IP network (Drawing 1, ref. sign 3); comprising: a first step of establishing, by means of the first and second IP-based PBX systems, a communication call between the first telephone terminal and the second telephone terminal via the ISDN when congestion occurs in the IP network (Page 3, col. 3, line 48, [0008]-col. 4, line 47), but does not explicitly teach of rerouting to the ISDN when congestion occurs in the IP network. However, Okazaki et al. discloses the use of an ISDN as rerouting device on (page 23, [0128], col. 43 lines 14-22). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the ISDN rerouting device of Okazaki et al. to the invention of Hida et al. in order to ensure that the speech path is detoured to a public telephone network when an overload condition occurs as suggested by Hida et al.

Referring to claim 8, Hida et al. discloses a rerouting method according to claim 7 wherein the first step comprises: a second step of linking with the first or second telephone terminal by means of an LC (line circuit) (Drawing 1, ref. sign 134 and respective portions of the spec.); a third step of switching the connection path by means of a TDSW (time division switch) (Drawing 1, ref. sign 131 and respective portions of the spec.); a fourth step of both interfacing with the IP network and detecting the occurrence of congestion in the IP network by means of an IP-TRK (trunk circuit) (Drawing 1, ref. sign 31 and respective portions of the spec.); a fifth step of interfacing with the ISDN by means of an ISDN I/F (Drawing 1, ref. sign 130 and respective portions of the spec.); and a sixth step of effecting switching control of the TDSW (time division switch) by means of a CPU (Drawing 1, ref. sign 151 and respective portions of the spec.) when said IP-TRK (trunk circuit) detects the occurrence of congestion in the IP network.

Referring to claim 9, Hida et al. discloses a rerouting method according to claim 8 wherein the sixth step includes a seventh step of establishing a communication call between the first telephone terminal and the second telephone terminal, but does not explicitly teach of the calls between the telephone terminals being based on information stored in a memory. However, Okazaki et al. discloses a memory that stores information of calls between the first and second telephones (Drawing 1, ref. sign 12, 22, 22a and Drawing 2, ref. sign 32 and respective portions of the spec.). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the memory of Okazaki et al. to the invention of Hida et al.

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in order to secure a high speech quality and minimize delay between calls as suggested by Hida et al.

Referring to claim 10, Hida et al. discloses a rerouting method according to claim 9, but does not explicitly teach of the rerouting method being an ISDN rerouting method wherein the seventh step includes an eighth step of storing in the memory: a mapping table having IP addresses and ISDN addresses; and a rerouting information table having originating telephone numbers or calling party numbers, destination telephone numbers or called party numbers, IP addresses of destination IP-TRK, and ISDN addresses corresponding to IP addresses of destination IP-TRK. However, Okazaki et al. discloses a memory (Drawing 1, ref. sign 12, 22, 22a and Drawing 2, ref. sign 32 and page 10, col. 18, line 31 [0023]-page 11, col. 19, line 14) that stores a mapping table (Drawing 5, ref. sign 121 and 121a and respective portions of the spec.) having IP addresses and ISDN addresses; and a rerouting information table (Drawing 12, ref. sign 131 and respective portions of the spec.) having originating telephone numbers or calling party numbers, destination telephone numbers or called party numbers, IP addresses of destination IP-TRK, and ISDN addresses corresponding to IP addresses of destination IP-TRK. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the memory of Okazaki et al. to the invention of Hida et al. in order to secure a high speech quality and minimize delay between calls as suggested by Hida et al.

Conclusion

3. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 305-3988, (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA. 22202, Sixth Floor (Receptionist).

**4. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Jamal A. Fox whose telephone number is (703) 305-
5741. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone
numbers for the organization where this application or proceeding is assigned are (703)
872-9314 for regular communications and (703) 872-9315 for After Final
communications.


Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is (703) 306-
0377.

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J.A.F.
Jamal A. Fox



WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600